

**Kevin Bell**

---

**From:** Wester, Barbara <wester.barbara@epa.gov>  
**Sent:** Monday, October 22, 2018 3:13 PM  
**To:** Paula Maccabee  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit

paula thanks for your email message and your request. i conferred with our program folks and FOIA officer, and your request will be converted to a FOIA request (that will happen here, you don't need to do anything) and then you will receive a response. i'm not completely sure on timing, but this is a very simple request, so a response should not take very long.

let me know if you have any questions,

barbara

Barbara L. Wester  
Associate Regional Counsel  
Office of the Regional Counsel  
U.S. Environmental Protection Agency, Region V  
Mail Code C-14J  
77 W. Jackson Blvd.  
Chicago, IL 60604  
ph: 312. 353.8514  
wester.barbara@epa.gov

---

**From:** Paula Maccabee [mailto:pmaccabee@justchangelaw.com]  
**Sent:** Friday, October 19, 2018 9:44 AM  
**To:** Wester, Barbara <wester.barbara@epa.gov>  
**Subject:** EPA Comments on Draft PolyMet NPDES Permit

Hi Barbara,

We are now focusing our attention on the next step of the PolyMet NPDES process.

In connection with this work, WaterLegacy would request a copy of the EPA Region 5 final comments on the draft NPDES permit proposed by the Minnesota Pollution Control Agency for the PolyMet project in January 2018 (Minnesota Permit No. MN0071013).

Please let me know if there is a charge for retrieving this document. WaterLegacy would be willing to cover these actual costs. We would not require a paper copy, only an electronic version.

Thank you for your assistance.

Best regards,  
Paula

Paula Maccabee, Esq.  
**Advocacy Director/Counsel for WaterLegacy**

1961 Selby Ave.  
St. Paul MN 55104  
phone: 651-646-8890  
fax: 651-646-5754  
mobile: 651-775-7128  
email: [pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)  
email: [paula@waterlegacy.org](mailto:paula@waterlegacy.org)



## Kevin Bell

---

**From:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Sent:** Tuesday, October 23, 2018 4:27 PM  
**To:** Wheatley, Jessica  
**Subject:** Re: EPA Comments on Draft PolyMet NPDES Permit

**Importance:** High

Thank you, Jessica.

Yes, WaterLegacy agrees to the agency fee commitment of \$25.00.

Best regards,  
Paula

Paula Maccabee, Esq.  
**Advocacy Director/Counsel for WaterLegacy**  
1961 Selby Ave.  
St. Paul MN 55104  
phone: 651-646-8890  
fax: 651-646-5754  
mobile: 651-775-7128  
email: [pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)  
email: [paula@waterlegacy.org](mailto:paula@waterlegacy.org)



---

**From:** "Wheatley, Jessica" <[wheatley.jessica@epa.gov](mailto:wheatley.jessica@epa.gov)>  
**Date:** Tuesday, October 23, 2018 at 2:46 PM  
**To:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit

Good Afternoon,

Your request has been forwarded to the Region V FOIA Office. In order to process your request please advise if you agree to the agency fee commitment of \$25.00 ? I look forward to your response.

---

**From:** Paula Maccabee [<mailto:pmaccabee@justchangelaw.com>]  
**Sent:** Friday, October 19, 2018 9:44 AM  
**To:** Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Subject:** EPA Comments on Draft PolyMet NPDES Permit

Hi Barbara,

We are now focusing our attention on the next step of the PolyMet NPDES process.

In connection with this work, WaterLegacy would request a copy of the EPA Region 5 final comments on the draft NPDES permit proposed by the Minnesota Pollution Control Agency for the PolyMet project in January 2018 (Minnesota Permit No. MN0071013).

Please let me know if there is a charge for retrieving this document. WaterLegacy would be willing to cover these actual costs. We would not require a paper copy, only an electronic version.

Thank you for your assistance.

Best regards,  
Paula

Paula Maccabee, Esq.

**Advocacy Director/Counsel for WaterLegacy**

1961 Selby Ave.

St. Paul MN 55104

phone: 651-646-8890

fax: 651-646-5754

mobile: 651-775-7128

email: [pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)

email: [paula@waterlegacy.org](mailto:paula@waterlegacy.org)



**Kevin Bell**

---

**From:** Wester, Barbara <wester.barbara@epa.gov>  
**Sent:** Monday, December 3, 2018 1:39 PM  
**To:** Paula Maccabee  
**Cc:** Wheatley, Jessica; Ackerman, Mark  
**Subject:** FW: EPA Comments on Draft PolyMet NPDES Permit - FOIA  
**Attachments:** ATT00001.txt

paula i checked with our FOIA office and they do not have the fee commitment email you referenced. could you possibly resend that email message so we can figure out what happened? once the fee commitment is received, then the FOIA can be logged in for processing.

i'm cc'ing our FOIA officer so that you can respond directly to her with the fee commitment of \$25.00.

i'm also cc'ing our water division contact for polymet so that he stays in the loop on this as well.

barbara

---

**From:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Sent:** Tuesday, October 23, 2018 9:47 AM  
**To:** Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Subject:** Re: EPA Comments on Draft PolyMet NPDES Permit

Thank you, Barbara. Anything you can do to avoid a delay in the response would be appreciated.

Best regards,  
Paula

---

**From:** Barbara Wester <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Date:** Monday, October 22, 2018 at 2:13 PM  
**To:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit

paula thanks for your email message and your request. i conferred with our program folks and FOIA officer, and your request will be converted to a FOIA request (that will happen here, you don't need to do anything) and then you will receive a response. i'm not completely sure on timing, but this is a very simple request, so a response should not take very long.

let me know if you have any questions,

barbara

Barbara L. Wester  
Associate Regional Counsel  
Office of the Regional Counsel  
U.S. Environmental Protection Agency, Region V  
Mail Code C-14J

77 W. Jackson Blvd.  
Chicago, IL 60604  
ph: 312. 353.8514  
[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)

---

**From:** Paula Maccabee [<mailto:pmaccabee@justchangelaw.com>]  
**Sent:** Friday, October 19, 2018 9:44 AM  
**To:** Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Subject:** EPA Comments on Draft PolyMet NPDES Permit

Hi Barbara,

We are now focusing our attention on the next step of the PolyMet NPDES process.

In connection with this work, WaterLegacy would request a copy of the EPA Region 5 final comments on the draft NPDES permit proposed by the Minnesota Pollution Control Agency for the PolyMet project in January 2018 (Minnesota Permit No. MN0071013).

Please let me know if there is a charge for retrieving this document. WaterLegacy would be willing to cover these actual costs. We would not require a paper copy, only an electronic version.

Thank you for your assistance.

Best regards,  
Paula

Paula Maccabee, Esq.  
**Advocacy Director/Counsel for WaterLegacy**  
1961 Selby Ave.  
St. Paul MN 55104  
phone: 651-646-8890  
fax: 651-646-5754  
mobile: 651-775-7128  
email: [pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)  
email: [paula@waterlegacy.org](mailto:paula@waterlegacy.org)



**Kevin Bell**

---

**From:** Paula Maccabee <pmaccabee@justchangelaw.com>  
**Sent:** Monday, December 3, 2018 1:43 PM  
**To:** wheatley.jessica@epa.gov  
**Cc:** Barbara Wester  
**Subject:** FOIA Request - PolyMet NPDES/SDS Permit Comments - Attached email dated October 23, 2018 making fee commitment  
**Attachments:** Re: EPA Comments on Draft PolyMet NPDES Permit (22.6 KB)  
**Importance:** High

Hello, Jessica,

I've attached another copy of the fee commitment for \$25 that I made on October 23, 2018.

Please send me the requested document as soon as possible.

I look forward to your prompt response,

Thank you,  
Paula

Paula Maccabee, Esq.  
**Advocacy Director/Counsel for WaterLegacy**  
1961 Selby Ave.  
St. Paul MN 55104  
phone: 651-646-8890  
fax: 651-646-5754  
mobile: 651-775-7128  
email: pmaccabee@justchangelaw.com  
email: paula@waterlegacy.org



## Kevin Bell

---

**From:** Wester, Barbara <wester.barbara@epa.gov>  
**Sent:** Monday, December 3, 2018 4:46 PM  
**To:** Wheatley, Jessica; Paula Maccabee  
**Cc:** Ackerman, Mark  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit - FOIA

jessica and paula i don't have the authority to release any responsive documents. the request will have to go through the regional review process and the FOIA online system to be completed. barbara

Barbara L. Wester  
Associate Regional Counsel  
Office of the Regional Counsel  
U.S. Environmental Protection Agency, Region V  
Mail Code C-14J  
77 W. Jackson Blvd.  
Chicago, IL 60604  
ph: 312. 353.8514  
wester.barbara@epa.gov

---

**From:** Wheatley, Jessica  
**Sent:** Monday, December 03, 2018 12:57 PM  
**To:** Wester, Barbara <wester.barbara@epa.gov>; Paula Maccabee <pmaccabee@justchangelaw.com>  
**Cc:** Ackerman, Mark <ackerman.mark@epa.gov>  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit - FOIA

Hi Barbara,  
Could you provide Paula with the documents she is seeking now & we will upload everything into FOIA Online after the fact. I'm sure there will be no fees associated with this request. Let me know if you have any questions. Thanks.

---

**From:** Wester, Barbara  
**Sent:** Monday, December 03, 2018 12:39 PM  
**To:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Cc:** Wheatley, Jessica <[wheatley.jessica@epa.gov](mailto:wheatley.jessica@epa.gov)>; Ackerman, Mark <[ackerman.mark@epa.gov](mailto:ackerman.mark@epa.gov)>  
**Subject:** FW: EPA Comments on Draft PolyMet NPDES Permit - FOIA

paula i checked with our FOIA office and they do not have the fee commitment email you referenced. could you possibly resend that email message so we can figure out what happened? once the fee commitment is received, then the FOIA can be logged in for processing.

i'm cc'ing our FOIA officer so that you can respond directly to her with the fee commitment of \$25.00.

i'm also cc'ing our water division contact for polymet so that he stays in the loop on this as well.

barbara



---

**From:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Sent:** Tuesday, October 23, 2018 9:47 AM  
**To:** Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Subject:** Re: EPA Comments on Draft PolyMet NPDES Permit

Thank you, Barbara. Anything you can do to avoid a delay in the response would be appreciated.

Best regards,  
Paula

---

**From:** Barbara Wester <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Date:** Monday, October 22, 2018 at 2:13 PM  
**To:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit

paula thanks for your email message and your request. i conferred with our program folks and FOIA officer, and your request will be converted to a FOIA request (that will happen here, you don't need to do anything) and then you will receive a response. i'm not completely sure on timing, but this is a very simple request, so a response should not take very long.

let me know if you have any questions,

barbara

Barbara L. Wester  
Associate Regional Counsel  
Office of the Regional Counsel  
U.S. Environmental Protection Agency, Region V  
Mail Code C-14J  
77 W. Jackson Blvd.  
Chicago, IL 60604  
ph: 312. 353.8514  
[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)

---

**From:** Paula Maccabee [<mailto:pmaccabee@justchangelaw.com>]  
**Sent:** Friday, October 19, 2018 9:44 AM  
**To:** Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Subject:** EPA Comments on Draft PolyMet NPDES Permit

Hi Barbara,

We are now focusing our attention on the next step of the PolyMet NPDES process.

In connection with this work, WaterLegacy would request a copy of the EPA Region 5 final comments on the draft NPDES permit proposed by the Minnesota Pollution Control Agency for the PolyMet project in January 2018 (Minnesota Permit No. MN0071013).

Please let me know if there is a charge for retrieving this document. WaterLegacy would be willing to cover these actual costs. We would not require a paper copy, only an electronic version.

Thank you for your assistance.

Best regards,  
Paula

Paula Maccabee, Esq.

**Advocacy Director/Counsel for WaterLegacy**

1961 Selby Ave.

St. Paul MN 55104

phone: 651-646-8890

fax: 651-646-5754

mobile: 651-775-7128

email: [pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)

email: [paula@waterlegacy.org](mailto:paula@waterlegacy.org)



**Kevin Bell**

---

**From:** admin@foiaonline.gov  
**Sent:** Monday, December 3, 2018 2:07 PM  
**To:** pmaccabee@justchangelaw.com  
**Subject:** FOIA Request EPA-R5-2019-001800 Submitted

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: EPA-R5-2019-001800
- Requester Name: Ms. Paula Maccabee
- Date Submitted: 12/03/2018
- Request Status: Submitted
- Description: PolyMet NPDES/SDS Permit Comments / a copy of the EPA Region 5 final comments on the draft NPDES permit proposed by the Minnesota Pollution Control Agency for the PolyMet project in January 2018 (Minnesota Permit No. MN0071013).

## Kevin Bell

---

**From:** Wester, Barbara <wester.barbara@epa.gov>  
**Sent:** Wednesday, January 30, 2019 2:34 PM  
**To:** Paula Maccabee; Wheatley, Jessica  
**Cc:** Ackerman, Mark; Davis, Lillie  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit - FOIA

Paula i believe that water division is responsible for responding to the FOIA, and, as i said in my earlier message, every effort is being made to respond to this FOIA and all the others that were on hold during the funding lapse. i hope that there will be a response to your FOIA by the end of this week or early next week. barbara

---

**From:** Paula Maccabee <pmaccabee@justchangelaw.com>  
**Sent:** Wednesday, January 30, 2019 12:55 PM  
**To:** Wester, Barbara <wester.barbara@epa.gov>; Wheatley, Jessica <wheatley.jessica@epa.gov>  
**Cc:** Ackerman, Mark <ackerman.mark@epa.gov>; Davis, Lillie <davis.lillie@epa.gov>  
**Subject:** Re: EPA Comments on Draft PolyMet NPDES Permit - FOIA

Thank you, Barbara.

It would be helpful for us to know who is responsible for providing the response to WaterLegacy's request for the specific document we have sought since October 22, 2018.

Best regards,  
Paula

---

**From:** Barbara Wester <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Date:** Wednesday, January 30, 2019 at 12:51 PM  
**To:** "Wheatley, Jessica" <[wheatley.jessica@epa.gov](mailto:wheatley.jessica@epa.gov)>, Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Cc:** "Ackerman, Mark" <[ackerman.mark@epa.gov](mailto:ackerman.mark@epa.gov)>, "Davis, Lillie" <[davis.lillie@epa.gov](mailto:davis.lillie@epa.gov)>  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit - FOIA

Paula the FOIA is inhouse and was being processed when the shut down interrupted. i don't have a new due date (the original FOIA was due on January 2, 2019, i believe), and now that the government has reopened, every effort is being made to provide a timely response. barbara

Barbara L. Wester  
Associate Regional Counsel  
Office of the Regional Counsel  
U.S. Environmental Protection Agency, Region V  
Mail Code C-14J  
77 W. Jackson Blvd.  
Chicago, IL 60604  
ph: 312. 353.8514  
[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)

---

**From:** Wheatley, Jessica  
**Sent:** Wednesday, January 30, 2019 12:48 PM

**To:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>

**Cc:** Ackerman, Mark <[ackerman.mark@epa.gov](mailto:ackerman.mark@epa.gov)>; Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>; Davis, Lillie <[davis.lillie@epa.gov](mailto:davis.lillie@epa.gov)>

**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit - FOIA

Good Afternoon,

The Water Division would need to provide the documents to you. I have cc'd them on this correspondence.

---

**From:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>

**Sent:** Wednesday, January 30, 2019 12:33 PM

**To:** Wheatley, Jessica <[wheatley.jessica@epa.gov](mailto:wheatley.jessica@epa.gov)>

**Cc:** Ackerman, Mark <[ackerman.mark@epa.gov](mailto:ackerman.mark@epa.gov)>; Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>

**Subject:** Re: EPA Comments on Draft PolyMet NPDES Permit - FOIA

Hello Jessica,

Please let me know how I may secure a copy of the document I requested on October 22, 2018.

If there is a specific person whom I should contact, please advise me of that person's name and contact information.

Sincerely yours,  
Paula

Paula Maccabee, Esq.

**Advocacy Director/Counsel for WaterLegacy**

1961 Selby Ave.

St. Paul MN 55104

phone: 651-646-8890

fax: 651-646-5754

mobile: 651-775-7128

email: [pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)

email: [paula@waterlegacy.org](mailto:paula@waterlegacy.org)

---

**From:** "Wheatley, Jessica" <[wheatley.jessica@epa.gov](mailto:wheatley.jessica@epa.gov)>

**Date:** Monday, December 3, 2018 at 12:56 PM

**To:** Barbara Wester <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>, Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>

**Cc:** "Ackerman, Mark" <[ackerman.mark@epa.gov](mailto:ackerman.mark@epa.gov)>

**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit - FOIA

Hi Barbara,

Could you provide Paula with the documents she is seeking now & we will upload everything into FOIA Online after the fact. I'm sure there will be no fees associated with this request. Let me know if you have any questions. Thanks.

---

**From:** Wester, Barbara

**Sent:** Monday, December 03, 2018 12:39 PM

**To:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>

**Cc:** Wheatley, Jessica <[wheatley.jessica@epa.gov](mailto:wheatley.jessica@epa.gov)>; Ackerman, Mark <[ackerman.mark@epa.gov](mailto:ackerman.mark@epa.gov)>

**Subject:** FW: EPA Comments on Draft PolyMet NPDES Permit - FOIA

paula i checked with our FOIA office and they do not have the fee commitment email you referenced. could you possibly resend that email message so we can figure out what happened? once the fee commitment is received, then the FOIA can be logged in for processing.

i'm cc'ing our FOIA officer so that you can respond directly to her with the fee commitment of \$25.00.

i'm also cc'ing our water division contact for polymet so that he stays in the loop on this as well.

barbara

---

**From:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Sent:** Tuesday, October 23, 2018 9:47 AM  
**To:** Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Subject:** Re: EPA Comments on Draft PolyMet NPDES Permit

Thank you, Barbara. Anything you can do to avoid a delay in the response would be appreciated.

Best regards,  
Paula

---

**From:** Barbara Wester <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Date:** Monday, October 22, 2018 at 2:13 PM  
**To:** Paula Maccabee <[pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)>  
**Subject:** RE: EPA Comments on Draft PolyMet NPDES Permit

paula thanks for your email message and your request. i conferred with our program folks and FOIA officer, and your request will be converted to a FOIA request (that will happen here, you don't need to do anything) and then you will receive a response. i'm not completely sure on timing, but this is a very simple request, so a response should not take very long.

let me know if you have any questions,

barbara

Barbara L. Wester  
Associate Regional Counsel  
Office of the Regional Counsel  
U.S. Environmental Protection Agency, Region V  
Mail Code C-14J  
77 W. Jackson Blvd.  
Chicago, IL 60604  
ph: 312. 353.8514  
[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)

---

**From:** Paula Maccabee [<mailto:pmaccabee@justchangelaw.com>]  
**Sent:** Friday, October 19, 2018 9:44 AM  
**To:** Wester, Barbara <[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)>  
**Subject:** EPA Comments on Draft PolyMet NPDES Permit

Hi Barbara,

We are now focusing our attention on the next step of the PolyMet NPDES process.

In connection with this work, WaterLegacy would request a copy of the EPA Region 5 final comments on the draft NPDES permit proposed by the Minnesota Pollution Control Agency for the PolyMet project in January 2018 (Minnesota Permit No. MN0071013).

Please let me know if there is a charge for retrieving this document. WaterLegacy would be willing to cover these actual costs. We would not require a paper copy, only an electronic version.

Thank you for your assistance.

Best regards,  
Paula

Paula Maccabee, Esq.  
**Advocacy Director/Counsel for WaterLegacy**  
1961 Selby Ave.  
St. Paul MN 55104  
phone: 651-646-8890  
fax: 651-646-5754  
mobile: 651-775-7128  
email: [pmaccabee@justchangelaw.com](mailto:pmaccabee@justchangelaw.com)  
email: [paula@waterlegacy.org](mailto:paula@waterlegacy.org)

